

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1002 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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Arun Kumar Son of Late Ram Lakhan Sharma Resident of Sai Kripa, Jay
Prakash Path (Boring Road), P.S.- Shri Krishnapuri, Patna-800001

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Sardar Patel Bhawan, Jawahar Lal
Nehru Marg, Patna-800023
3. The Inspector General of Police, Patna Zone, Police Office, Patna-800001
4. The Deputy Inspector General of Police, Central Range, Police Office,
Patna-800001
5. The Senior Superintendent of Police, Patna-800001
6. The City Superintendent of Police, Central, Patna-800001
7. The Deputy Superintendent of Police, Sachivalya, Patna- 800015
8. The Station House Officer, Shri Krishnapuri Police Station, patna-800013
9. Shri Manoj Kumar Singh father name not known Inspector of Police, Ex-
S.H.O. of Shri Krishnapuri Police Station, presently posted in Police Line,
Patna-800001

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-07-2019

This application has been filed by the petitioner for directing the respondents to identify the policemen responsible for misplacement of the complaint lodged by him on 04.04.2019 at 5.00 p.m. and punish him suitably.

2. Learned counsel for the petitioner submitted that on 04.04.2019 at 5.00 p.m. the petitioner lodged a complaint in Shri



Krishnapuri Police Station for registration of a case with respect to theft of some articles in his house. The policeman on duty gave receipt of the said complaint. However, no action has been taken on the complaint of the petitioner so far. He submitted that since no action has been taken on the complaint of the petitioner, the petitioner has a reasonable apprehension that the complaint has deliberately been removed from the record of the police station. He submitted that the said action is a glaring example of arbitrariness and highhandedness of the police.

3. Per contra, learned counsel appearing for the State submitted that the application filed by the petitioner is misconceived. Mere apprehension in the mind of the petitioner that his complaint has been removed from the record of the police station would not be sufficient for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. He contended that an information under the Right of Information Act could have been obtained by the petitioner with regard to the result of the complaint lodged by him. Instead of seeking an information under the statutory provision of the Right to Information Act, the petitioner has rushed to this Court and filed an application on mere apprehension in his mind.



4. Having heard learned counsel for the parties, I find substance in the submission of the learned counsel for the State. In case a report regarding any offence is made to the police, the police are duty bound to register the same in the diary maintained by the police. If the same relates to a cognizable offence, a formal FIR has to be drawn, otherwise the same may be entered into the station diary. It is not known whether the complaint filed by the petitioner was ever received in the police station. If the complaint was received by the police, it is not known whether the same was entered into the station diary or not. In an appropriate case, on receipt of an information, the police may also make a preliminary inquiry and if no substance is found, it may refuse to institute an FIR on the basis of the complaint.

5. Furthermore, in case an information is given to the police regarding a cognizable offence and an FIR is not instituted, the informant may send a written report to the Superintendent of Police by registered post under Section 154(3) of the Code of Criminal Procedure (for short 'Cr.P.C') and if no investigation is taken up in spite of an information having been given to the Superintendent of Police, the person aggrieved may approach the court of jurisdictional Magistrate under Sections 190 and 200 of



the Cr.P.C and make a request for sending the complaint to the police for investigation under Section 156(3) of the Cr.P.C.

6. The petitioner having not availed of an equally efficacious statutory remedy in the Cr.P.C for the redressal of his grievance has approached this Court for directing the respondents to identify the policeman, who has removed the complaint and punish him. He has also not made endeavour to find out the fate of the application under the Right to Information Act.

7. On the facts and in the circumstances of the case, the court would like to initiate a roving inquiry on the basis of the assertions made in the present application.

8. The application filed by the petitioner lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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